

Application No.: 09/898,398

Applicant: Hutchison

Filed: July 3, 2001

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Remarks

Introduction

Claims 62-82 were pending. By way of this response, claims 62, 67, 70, 74, and 81 have been amended, claims 75, 78, and 82 have been cancelled without prejudice, and claims 83-85 have been added. Support for the amendments to the claims can be found in the application as originally filed, and no new matter has been added. In addition, applicant respectfully submits that the amendments to the claims do not raise new issues, and applicant respectfully requests entry of this Amendment and reconsideration of the rejections. Accordingly, claims 62-74, 76-77, and 79-81, and 83-85 are currently pending.

Applicant acknowledges that the previous objections to the drawings and specification, and the rejections under 35 U.S.C. §§ 101, and 112, first paragraph have been overcome.

In addition, Applicant acknowledges and thanks the Examiner for the indication that the subject matter of claim 81 is allowable. As set forth above, claims 62, 67, 70, and 74 have been amended to include subject matter that is similar to the subject matter of claim 81, that is that the bioactive three dimensional epitope recognized by the antibody includes two spaced apart portions (e.g., the epitope is a non-linear or conformational epitope), for example, amino acid 1 of SEQ ID NO: 1 or amino acids 1 and 2 of SEQ ID NO: 1, and amino acids located between amino acids 7-13 of SEQ ID NO: 1. In view of the amendments to the claims, Applicant submits that all of the present claims are allowable.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 75 and 82 have been rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

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As indicated above, claims 75 and 82 have been cancelled, and therefore the rejection is moot.

In view of the above, Applicant submits that the present claims are definite under 35 U.S.C. § 112, second paragraph.

Rejection Under 35 U.S.C. § 102

Claims 74-76, 79, 80, and 82 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Kuronen et al. Claims 74-77, 79, 80, and 82 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Brown et al.

As indicated above, claims 75 and 82 have been cancelled, and claim 74 has been amended to include subject matter similar to allowable claim 81. Therefore, Applicant submits that claim 74 is similarly allowable. The amendment to claim 74 similarly applies to the claims dependent from claim 74, and accordingly, Applicant submits each of the rejected claims is now in condition for allowance.

In view of the above, Applicant submits that neither Kuronen et al. nor Brown et al. teach each and every limitation recited in the present claims, and therefore, the present claims, and claims 74, 76-77, 79, and 80 in particular, are not anticipated by the prior art under 35 U.S.C. § 102.

Rejections Under 35 U.S.C. § 103

Claims 62-64, 66-72, 74-76, 78-80, and 82 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuronen et al. in view of Gao et al. (1999) and John et al. Claims 65, 73, and 77 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuronen et al. in view of Gao et al. (1999) and further in view of Gao et al. (1996).

As indicated above, claims 75, 78, and 82 have been cancelled. Therefore, the rejection of these claims is moot. In addition, claims 62, 67, 70, and 74 have been amended to include subject

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matter similar to the subject matter of allowable claim 81, that is the present claims recite that the bioactive, three-dimensional epitope recognized by the antibody includes a first portion spaced apart from a second portion. For example, the first portion either consists of amino acid 1 or amino acids 1 and 2 of SEQ ID NO: 1, and the second portion consists of amino acids located between amino acids 7-13 of SEQ ID NO: 1. In other words, applicant submits that the present claims are limited to antibodies that recognize and bind a non-linear or conformational epitope of parathyroid hormone. For example, the epitope includes two portions that are spaced apart from each other (e.g., amino acid 1 or amino acid 1 and 2 of SEQ ID NO: 1 and amino acids located between amino acids 7-13 of SEQ ID NO: 1). The amendments to claims 62, 67, 70, and 74 similarly apply to the claims dependent therefrom. Thus, Applicant submits that all of the present claims are allowable.

Applicant submits that the prior art alone, or in any combination, does not disclose, teach, or even suggest antibodies, including monoclonal or polyclonal antibodies, that bind to a bioactive, three-dimensional epitope of parathyroid hormone that includes a first portion that consists of amino acid 1 or amino acids 1 and 2 of SEQ ID NO: 1, and a second portion that consists of amino acids located between amino acids 7-13 of SEQ ID NO: 1, as recited in the amended claims.

In addition, each of the present dependent claims is separately patentable over the prior art. For example, none of the prior art disclose, teach, or even suggest the present antibodies, kits, and methods including the additional feature or features recited in any of the present dependent claims. Therefore, applicant submits that each of the present claims is separately patentable over the prior art.

In view of the above, Applicant submits that the present claims, that is claims 62-74, 76-77, 79-81, and 83-85, are unobvious from and patentable over the prior art under 35 U.S.C. § 103.

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Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims are not disclosed or suggested by the prior art, and respectfully submits that the claims are in condition for allowance. Notice of which is respectfully requested.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicant's undersigned representative invites the Examiner to telephone him at the number provided below.

Respectfully submitted,

Date: 6/28/04



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